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AUSTIN, TX 78720				ART UNIT	PAPER NUMBER	
				2642		

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Ap	plication No.	Applicant(s)					
Office Action Summary			9/901,749	RODENBUSCH E	ET AL.				
			aminer	Art Unit					
		Ra	sha S. AL-Aubaidi	2642					
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-/	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositi	ion of Claims	•		,					
		ling in the ar	nlication						
	Claim(s) <u>51-55 and 57-104</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.								
	Claim(s) <u>49-50 and 56 is/are allowed.</u>								
·	Claim(s) <u>49-50 and 56</u> is/are allowed. Claim(s) <u>51-55 and 57-104</u> is/are rejected.								
	Claim(s) is/are objected to.	icu.							
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10)	The drawing(s) filed on is/are: a)□ accepte	d or b) ☐ objected to	by the Examiner.					
	Applicant may not request that any objection	on to the draw	ring(s) be held in abeyar	nce. See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the								
11)	The oath or declaration is objected to by	y the Exami	ner. Note the attache	d Office Action or form P	TO-152.				
Priority ι	under 35 U.S.C. § 119								
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	1. Certified copies of the priority do	cuments ha	ve been received.						
	2. Certified copies of the priority documents have been received in Application No								
	3. Copies of the certified cop	the priority o	locuments have been	received in this National	Stage				
	application from the International	l Bureau (Po	CT Rule 17.2(a)).						
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Attachmen	t(s)								
	e of References Cited (PTO-892)		4) Interview S	Summary (PTO-413)					
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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 11/09/2005 has been entered. Claims 1–48 have been canceled. Claims 59-104 have been added. Claims 51-55 and 57-58 have been amended. Claims 49-104 are pending in this application.

Claim Rejections - 35 USC § 103

2. Claims 51-55, 57-73, 78-81, 83-102 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,963,635 to Szlam et al. in view of applicant's admitted prior art and further in view of Smith (US PAT # 5,822,400).

Regarding claim 51, Szlam et al. discloses a "Method and apparatus for providing result oriented customer service". The invention relates to automated customer service systems and, more particularly, is an automated customer service system, which accommodates both inbound and outbound communications (i.e. a system for distributing outbound telephone calls), which uses a variety of media, and which has a user-programmable strategy, so as to provide result-oriented customer service [see Szlam et al. col. 1, line 10]. With reference to Szlam et al. Fig. 1, the invention comprises agent workstations (12) (i.e. provide a plurality of telephone calls to one or more agent s), a modern server (17), a facsimile server (18), a switch (13), and a system controller (11) (i.e. distribution module), which is coupled to the other devices via network (14) (i.e. interfaced with the plurality of dialing devices). According to the

invention, the controller (11) obtains one or more calling lists (i.e. including a plurality of pools) from a host (10), each calling list containing call records (i.e. the distribution module operable to place the call records into the pools) [see Szlam et al. col. 9, line 25]. Each calling list is for a different campaign and the call records contained therein are for processing by agent workstations (12), modem server (17) and facsimile server (18) (i.e. operable to receive a plurality of call records). The controller (11) establishes several queues for each campaign (i.e. plurality of queues) [see Szlam et al. col. 9, line 35]. One of these queues is a 'to-be-called' queue, which initially will contain a list of all the records associated with a specific campaign, as opposed to global list of all the records (i.e. transfer less than all of the call records from the pools to the queues). Other queues, such as the fax queue and modem queue, contain lists of numbers to which specific types of messages are to be sent (i.e. facsimile messages and electronic mail messages) [see Szlam et al. col. 9, line 40].

What Szlam et al. does not teach is a plurality of dialing devices as the abovementioned agents are connected to/provided with calls from, one switch (13).

However, as applicant admits on page 3, lines 16 - 23, of the specification for the present invention, it is common and well known in the prior art to have a plurality of dialing devices in a call center.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented more than one switch or dialing device inasmuch as adding more dialing devices does not alter the functionality of Szlam et al. at issue, but merely expands capacity, an old and well known motivation. Some call centers are so overburdened with calls that more than one dialing device is needed to handle the overload of calls. Other motivations include having dialing devices distributed over a large geographical area, obviating the need for all agents of an ACD/organization to physically be in one location.

Neither Szlam nor the admitted prior art teaches associating each agent with an automatic dialer.

However, Smith teaches specifically a system that has automatic dialers with groups of agents to talk to customers (see Fig. 1, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of assigning each agent or group of agents to an auto dialers device, as taught by Smith, into the combination of Szlam in view of the admitted prior art in order to have each agent or group of agents handling different customers tasks such as different types of outbound calls. This also can provide speed in processing customer's calls, which will result in system's efficiency.

Interpreted in another way, each agent workstation 12A – 12N (Fig. 1 of Szlam et al.) can be read as the claimed plurality of dialing devices inasmuch as the workstation includes either a telephone or computer or both to allow the agent to communicate with the customer. Moreover, as seen in Col. 19, lines 9 – 23 of Szlam et al.), an agent workstation can receive customer profile information for display, wherein the profile information is the call/customer record. (Col. 19, lines 33 – 65 of Szlam et al.) Every time a call is made, a call record is displayed on the agent workstation. Finally, the one switch 13 could be interpreted to read on the claimed distribution module, as a switch/ACD is the system element that ultimately distributes calls to agents and allows calls to be placed by agents. Note that in Col. 12, lines 24 – 25, Szlam et al. teaches performing both inbound and outbound calls.

Note that Szlam et al. teaches transferring call records from a plurality of different campaigns, reading on the claimed first and second pools to various queues, such as to-be-called queues, modern queues, fax queues, etc, reading on the claimed first and second queues. (Col. 9, line 27 – 62 of Szlam et al.).

What Szlam et al. also does not explicitly teach is transferring call records from a first pool to first and second queues when a second pool is empty.

However, Szlam et al. teaches, as is well known in the art, moving agents from a completed or suspended campaign to another campaign. (Col. 3, lines 24 – 30, Col. 10, lines 53 – 67 of Szlam et al.) If for example, one campaign has no calls left to make, it is terminated, after which agents originally servicing that campaign are shifted to another, still ongoing campaign. While the claimed invention is drawn to transferring call records, the idea of and purpose behind shifting resources to avoid having dead space or idle agents, load-sharing or balancing is the same when agents are transferred. Therefore, ample motivation is available that would make transferring call records from a pool to queues, including empty queues obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claims 52, 57-58, 85, 93-94 and 104, the subject matter claimed is similar in scope to claim 51 and is therefore, rejected under the same rationale.

Furthermore, as discussed above, the campaign to which an agent would be reassigned does not have to be stopped. Regarding claim 104, transferring the call records from the first pool to the first and second pool when the second pool is depleted is obvious and well known in the art. One of these advantageous is load balancing. Claims 93-94 limitation are obvious.

Regarding claim 53, the subject matter claimed is similar in scope to claim 51 and is therefore, rejected under the same rationale. Furthermore, whether the transferring occurs at a pool or queue, or whether it the pool or queue that becomes

depleted, again, the idea of not wasting resources is old and well known and would be obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claims 54 and 55, see the rejection of claims 51, 52, 53, and 57, and further note that the invention of Szlam et al. comprises a processing strategy (i.e. plurality of selection rules) that involves defining events, and then defining the actions that should be taken when an event occurs [see Szlam et al. col. 12, line 15]. An event may be, the time of day, the hit rate, the list penetration depth, the disposition of a call, etc. An action may be to start, end or suspend a campaign (i.e. control how the pools transfer call records to the queues), to reassign agents from one campaign to another, to start or end callbacks from selected queues, etc. Also, Szlam et al. teaches that the workings of the system can happen concurrently or simultaneously, i.e., different campaigns and the associated transferring of records between those different campaigns and their respective queues may be concurrent. (Col. 4, lines 59 – 67 of Szlam et al.)

Furthermore, Szlam et al teaches prioritizing the various queues as well as the campaigns or pools where more agents are needed to service higher priority campaigns. (Col. 6, lines 18 – 49, Col. 22, lines 4 – 49 of, Col. 23, line 64 – Col. 24, line 14 of Szlam et al.) As discussed above, Szlam et al. teaches transferring calls to queues based on time to be called, how a customer is to be contacted, etc. as well as being able to transfer more records into one queue than another because of higher

priority. (Col. 6, lines 44 – 49 of Szlam et al.) Therefore, more agents are needed for higher priority campaigns to accommodate the increased number of records to call.

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Regarding claim 59, further note that according to the invention of Szlam et al., the controller (11) (i.e. <u>distribution module</u>) obtains customer records (i.e. <u>call records</u>) from the host (10) and controls the placement (i.e. <u>controls the coordination</u>) of outbound calls (i.e. <u>dialing devices</u>) [see Szlam et al. col. 8, line 30].

Regarding claim 60, further note that according to the invention of Szlam et al., when the end of a queue has been reached at step 655 (i.e. when the dialing devices have called the call records initially transferred to the queues) new call records are obtained at step 402 (i.e. the distribution module transfers additional call records from the pools to the queues) [see Szlam et al. col. 21, line 60; also Fig. 6B].

Regarding claim 61, as shown above, Szlam et al. teaches the system of claim 1. However, this reference does not teach the distribution module routes the queues over <a href="https://example.com/teach-tea

Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the network (14) that couples the distribution module to the agent workstation, fax server and modem server (i. e. dialing

<u>devices</u>), should be a TCP/IP routed network, since such networks are well-known and readily procurable.

Similarly, regarding claim 63, simply specifying that the distribution module comprises a TCP/IP compatible component is not allowable over the prior art.

Regarding claim 62, it would have been obvious to specify network (14) as an ATM routed network.

Regarding claim 64, further note that the use of predictive dialers is well-known in the art. Applicant is directed to the pertinent prior art listed below, which is representative of an expansive body of prior art that discloses the use of predictive dialers.

Regarding claims 65 and 66, further note that according to the invention of Szlam et al., controller (11) (i.e. <u>distribution module</u>) logs the result of each call (i.e. <u>call attempt result</u>) into the appropriate queue. After the campaign has placed a sufficient number of calls to obtain meaningful analysis, controller (11) inspects (i.e. <u>monitors</u>) the queues to determine the degree of success of the campaign (i.e. <u>to determine a successful or unsuccessful call attempt result</u>), where as shown before, the agent workstations (12), modem server (17) and facsimile server (18) (i.e. <u>dialing devices</u>) are responsible for executing calls (i.e. <u>telephone calls</u>) according to the call records on the

various queues. Thus, inherently, the process of inspecting the queues comprises transferring the results of each call (i.e. the call attempt results) from the agent workstations (12), modem server (17) and facsimile server (18) (i.e. dialing devices); that is, the distribution module transfers from the dialing devices the call attempt results [see Szlam et al. col. 9, line 65].

Regarding claim 67, further note that according to the invention of Szlam et al., controller (11) (i.e. <u>distribution module</u>) assigns agent resources according to the number of calls that remain to be made in each campaign, among other considerations (i.e. <u>the distribution module monitors the number of call records in the queues remaining to be called by the dialing devices) [see Szlam et al. co1.10, line 55].</u>

Regarding claim 68, further note that the invention of Szlam et al. comprises a processing strategy (i.e. plurality of selection rules) that involves defining events, and then defining the actions that should be taken when an event occurs [see Szlam et al. col. 12, line 15]. An event may be, the time of day, the hit rate, the list penetration depth, the disposition of a call, etc. An action may be to start, end or suspend a campaign (i.e. control how the pools transfer call records to the queues), to reassign agents from one campaign to another, to start or end callbacks from selected queues, etc.

Regarding claim 69, further note that according to the invention of Szlam et al., the actions defined by the processing strategy (i.e. <u>plurality selection rules</u>) may include

setting the priority of a queue (i.e. the selection rules comprise priority rules) [see Szlam et al. col. 13, line 35].

Regarding claim 70, recall that according to the invention of Szlam et al., the events defined in the processing strategy (i.e. plurality selection rules) may include statistics such as the hit rate or penetration depth (i.e. selection rules comprise percentage rules).

Regarding claim 71, recall that according to the invention of Szlam et al., an event such as a hit rate (i.e. percentage rules) is matched (i.e. combination) with a corresponding action such as setting a queue priority (i.e. priority rules); that is, the selection rules comprise a combination of the percentage rules and the priority rules).

Regarding claim 72, further note that according to the invention of Szlam et al., an administrator may specify a campaign strategy and control the operation of the campaign. The administrator may exercise control through a workstation (12) (i.e. user interface), which is coupled to controller (11) (i. e. distribution module) via network (14) (i. e. a user interface operable to allow a user to control the functionality of the distribution module) [see Szlam et al. col. 9, line 5].

Regarding claim 73, browser based, online interfaces are well-known in the art for providing user interfaces.

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Regarding claim 78, recall that according to the invention of Szlam et al., the controller (11) (i.e. <u>distribution module</u>) establishes several queues for each campaign (i.e. <u>associates the queues with a campaign</u>), wherein the queues contain call records to be called by agent workstations (12), modem server (17) and facsimile server (18) (i.e. <u>dialing devices</u>).

Regarding claim 79, further note that according to the invention of Szlam et al., dialing may be started using the first numbers (i.e. <u>call records</u>), while the remaining numbers in the list (i.e. <u>pools</u>) are being sorted (i.e. <u>distribution module dynamically modifies the order of the call records within the pools without stopping the campaign) [see Szlam et al. col. 14, line 50]. The system continues placing calls, even while the sort procedure is in process [see Szlam et al. col. 15, line 15].</u>

Regarding claim 80, further note that according to the invention of Szlam et al., the controller (11) (i.e. <u>distribution module</u>) can immediately (i.e. <u>dynamically</u>) update (i.e. <u>changes the composition of the</u>) a sensitivity profile (i.e. <u>call records within the pools</u>) on behalf of a customer during the course of a campaign (i.e. <u>without stopping the campaign</u>) [see Szlam et al. col. 19, line 50].

Regarding claim 81, further note that according to the invention of Szlam et al., a campaign (i.e. <u>pool</u>) strategy, which is to be run by controller (11) (i.e. <u>distribution</u>

module), may be scheduled to run at specified times (i.e. scheduling module interfaced with the distribution module the scheduling module operable to schedule call records in the pools instead of the dialing devices) [see Szlam et al. col. 13, line 40].

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Regarding claim 83, further note that according to the invention of Szlam et al., if calling list A (i.e. <u>a first pool</u>) has reached or exceeded a penetration depth of 90% (i.e. when the call records in the first pool are depleted), then list C (i.e. <u>a second pool</u>) is started (i.e. the <u>distribution module transfers call records to the queue from a first pool and transfers call records to the queue from a second pool</u>) [see Szlam et al. col. 13, line 55].

Regarding claim 84, the limitations read broader than claim 26 and therefore, claim 27 is rejected under the same rationale.

Regarding claim 86, the subject matter claimed is similar in scope to claim 51 and is therefore, rejected under the same rationale.

Regarding claim 87, further note that according to the system of Szlam et al., the selection and order of the records (i.e. <u>call records</u>) to be included in a calling list (i.e. <u>pool</u>) are based on business strategy designed to reach a select type of customer (i.e. <u>the pools comprise a specific and ordered group of call records</u>) [see Szlam et al. col. 2, line 45].

Regarding claim 88, further note that the system of Szlam et al. comprises a fax (i.e. specified dialing device) queue containing lists of numbers to which a facsimile message is to be sent, as well as a modem (i.e. specified dialing device) queue containing lists of numbers to which an electronic mail message is to be sent (i.e. assigning a queue to a specified dialing device) [see Szlam et al. col. 9, line 40].

Regarding claim 89, recall that according to the system of Szlam et al., initially, all the records in a calling list (i.e. <u>one pool</u>) are transferred to a single to-be-called queue (i.e. one <u>queue</u>); that is, <u>transferring call records from one pool to one queue</u>.

Regarding claim 90, as shown above, Szlam et al. teach the method of claim 29. Furthermore, transferring call records from the pools to the queue comprises transferring call records from more than one pool to one queue, is simply the process of multiplexing data (i.e. call records) from different sources (i.e. more than one pool) onto the same transmission medium (i.e. one queue). This concept is well-known in the art, and therefore, unpatentable. It should be noted that such features are merely design choices, and therefore, not allowable over the prior art.

Regarding claim 91, recall that according to the system of Szlam et al., subsequently, the records contained in the calling list (i.e. <u>one pool</u>) to-be-called queue are processed into a plurality (i.e. <u>more than one</u>) of queues specific to each dialing

device (e.g. fax, modem, voice). That is, <u>transferring call records from one pool to more</u> than one queue.

Regarding claim 92, see Szlam et al. as applied above to claim 78.

Regarding claim 95, further note that according to the system of Szlam et al., if the goal of a provider is to obtain a certain number of completed calls (i.e. <u>transferring a set number of call records</u>) then the campaign will be terminated (i.e. <u>which allows for a set amount of calling for each queue</u>) [see Szlam et al. col. 10, line 20].

Regarding claim 96, see Szlam et al. as applied to claims 9 and 10 with regard to uploading a plurality of call attempt results from the dialing devices to the distribution module and determining the number of call records remaining to be called in the queues, respectively. Also note that the system of Szlam et al. monitors hit (i.e. depletion) rate (i.e. depletion rate at which the dialing devices call the called records in the queues) [see Szlam et al. col. 12, line 35].

Regarding claim 97, further note that according to the system of Szlam et al., when the penetration of list (i.e. <u>pool</u>) A has reached 90% (i.e. <u>based upon the number of call records remaining to be called</u>), list C may be started (i.e. <u>additional call records are needed in the queue</u>) [see Szlam et al. col. 12, line 55]. Furthermore, based on the hit rate (i.e. <u>depletion rate</u>), list D may be started [see Szlam et al. col. 12, line 60].

Regarding claim 98, it is inherent from the foregoing that when starting a new list (i.e. <u>pool</u>), the call records associated with that list must be transferred to the queues (i.e. <u>transferring additional call records from the pools to the queues</u>.

Regarding claim 100, see Szlam et al. as applied above to claim 68.

Claim 101 is rejected for the same reasons as discussed above with respect to claim 71. Also, transferring call records to the queues based on a priority is obvious and well known in the art.

Claim 102 is rejected for the same reasons as discussed above with respect to claim 51.

3. Claims 77, 82 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. in view of the admitted prior art, in view of Smith (US PAT # 5,822,400) and further in view of Thorne et al. (US patent # 5,297,195).

Regarding claim 77, as shown above, the combination of Szlam, applicant admitted prior art and Smith teach the system of claim 51.

However, the above combination do not specifically teach the distribution module redistributes call records to the pools based upon the unsuccessful call attempt results.

Nevertheless, Thorne et al. discloses a "Method and apparatus for automatic telephone scheduling system". The invention pertains to the automated scheduling and placement of numerous telephone calls [see Thorne et al. col. 1, line 5]. According to the method of Thorne et al., a data server (22) (i.e. distribution module), which is responsible for managing a campaign, obtains account records, which have yet to be processed for the campaign, from memory (78A) (i.e. pool) [see Thorne et al. col. 9, lines 30-68]. Upon obtaining the next record for processing for the designated campaign, the data server (22) transfers the entire account record (162) to the dial server (24) (i.e. dialing device). The dial server (24) proceeds to attempt the call, and if the call is unanswered (i.e. based upon the unsuccessful call attempt results), the dial server (24) generates a notification message for the data server (22), whereupon, the data server (22) stores (i.e. redistributes) the record (i.e. the call records) in memory (78A) so that the record will again be accessed at a subsequent time in connection with its associated campaign.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Szlam, applicant admitted prior art, and Smith such that the call records are redistributed form the queues back to the calling lists (i.e. <u>Pools</u>), since such a measure would ensure that the status of

previous call attempts would be available to agents handling a particular call record for the first time.

Regarding claim 82, further note that according to the invention of Szlam et al. in view of Thorne et al., the records (i.e. <u>call records</u>) for a plurality of campaigns (i.e. <u>Pools</u>) may be distributed (i.e. <u>operable to transfer and provide</u>) throughout a plurality of data servers (22,62) (i.e. <u>distribution modules</u>) which are coupled to dial servers (24,64) (i.e. <u>dialing devices</u>). Furthermore, it is implicit that such a configuration provides redundancy.

Claim 99 is rejected fro the same reason as claim 77.

4. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. in view applicant admitted prior art, in view of Smith and further in view of US patent 6,198,814 to Gill.

Furthermore, Szlam et al. teaches a host (10) (i.e. <u>a call record database</u>) responsible for providing call records to controller (11) (i.e. <u>associated with the distribution module</u>). However, neither Szlam nor applicant prior art nor Smith specifically teaches <u>the call record database operable to store the call records and the call attempt results</u>.

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Nevertheless, Gill discloses a "System and method for entering call outcome records in a computer database in an outbound predictive dialing application". The invention provides, a method of entering call results (i.e. and the call attempt results) in a computer database (i.e. call record database), said method comprising storing contact information (i.e. operable to store the call records) [see Gill col. 2, line 30].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to extend the combination of Szlam, applicant admitted prior art, and Smith system such that the host (10) (i.e. <u>call record database</u>) stored call results as well as contact information (i.e. <u>call records</u>), since this would ensure that the status of previous call attempts would be available to agents handling a particular call record for the first time.

Allowable Subject Matter

- 5. Claims 49, 50, and 56 are allowed.
- 6. Claims 74-75 and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Rasha S. Al-Aubaidi Art Unit 2642 01/20/2006

> AHMAD MATAR SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600